

E-Filed: June 4, 2014

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LA TIENDITA and THANH T. HUYNH,
Plaintiffs,
v.
UNITED STATES DEPARTMENT OF
AGRICULTURE,
Defendant.

No. C14-01693 HRL

**ORDER SETTING PAYMENT DUE
DATE PURSUANT TO STIPULATION
FOR COMPROMISE SETTLEMENT
AND RELEASE**

[Re: Docket No. 25]

Plaintiffs La Tiendita and Thanh T. Huynh sought judicial review of their six-month suspension from the Supplemental Nutrition Assistance Program (SNAP) by defendant United States Department of Agriculture (USDA). After the Court stayed the imposition of the suspension and set a preliminary injunction hearing, the parties filed a Stipulation for Compromise Settlement and Release in which they agreed, among other things, that Plaintiffs would pay a monetary penalty of \$8,742 in lieu of the suspension. However, despite the parties' ability to agree on many terms of the settlement, they could not agree on a payment due date. Instead, they asked the Court to decide whether the payment would be due in 120, 150, or 180 days, and they requested that each party be given seven days to file a letter brief of up to five pages setting forth their respective positions. One day after the Court entered the stipulation, Plaintiffs filed an approximately one-page letter requesting that the set Court set a payment due date of 180 days due to Plaintiffs' demonstrated financial hardship. The next day, the USDA filed a similarly short letter explaining that because the

1 case settled so early, it had conducted very little discovery and “lacks sufficient factual information
2 to take a position on the issue now before the Court.” Based on Plaintiffs’ request for a 180-day
3 payment deadline and the USDA’s apparent indifference, the Court decides that payment shall be
4 due 180 days from the date of the Order on the Stipulation for Compromise Settlement Release.

5 **IT IS SO ORDERED.**

6 Dated: June 4, 2014

7 
8 _____
9 HOWARD L. LLOYD
10 UNITED STATES MAGISTRATE JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **C14-01693 HRL Notice will be electronically mailed to:**

2 James A. Scharf james.scharf@usdoj.gov, mimi.lam@usdoj.gov

3 Thomas John Spielbauer thomas@spielbauer.com

4 **Counsel are responsible for distributing copies of this document to co-counsel who have not**
5 **registered for e-filing under the court's CM/ECF program.**

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28